

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

Count One: 15 U.S.C. §1 - Price Fixing

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY: See attached penalty sheet.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

Bumble Bee Foods, LLC

DISTRICT COURT NUMBER

CR17 249

CR

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court,
 give name of court

this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocution of
 charges previously dismissed
 which were dismissed on motion
of:

U.S. ATTORNEY DEFENSE

this prosecution relates to a
 pending case involving this same
defendant

prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges → _____
2) Is a Fugitive
3) Is on Bail or Release from (show District) → _____

FILED

MAY - 8 2017

SUSAN Y. SONG

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**IS IN CUSTODY**

- 4) On this charge
5) On another conviction } Federal State
6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer Yes
been filed? No

} If "Yes"
give date
filed

DATE OF ARREST →

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY →

Month/Day/Year

 This report amends AO 257 previously submittedName and Office of Person
Furnishing Information on this form Leslie Wulff, DOJ-Antitrust U.S. Attorney Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned)**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET

Corporation: **Bumble Bee Foods, LLC**

15 U.S.C. § 1 – Price Fixing (Count 1)

Maximum Penalties:

CR17

249

CRB

1. A fine in an amount equal to the largest of:

- A. \$100 Million.
- B. Twice the gross pecuniary gain derived from the crime.
- C. Twice the gross pecuniary loss caused to the victims of the crime.

2. A term of probation of at least one year but not more than five years.

3. \$400 special assessment.

4. Restitution

FILED

MAY ~8 2011

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IA

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FILED

MAY - 8 2017

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Attorneys for the United States

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BUMBLE BEE FOODS, LLC.

Defendant.

Case No. 17 CR

INFORMATION

15 U.S.C. § 1 — Price Fixing

The United States of America, acting through its attorneys, charges:

I.

DESCRIPTION OF THE OFFENSE

1. BUMBLE BEE FOODS, LLC ("defendant") is hereby made defendant on the charge contained in this Information.

2. Beginning at least as early as the first quarter of 2011 and continuing until at least as late as the fourth quarter of 2013, the exact dates being unknown to the United States, in the Northern District of California and elsewhere, the defendant and its coconspirators knowingly entered into and engaged in a combination and conspiracy to fix, raise, and maintain the prices of packaged seafood sold in the United States. The combination and

conspiracy engaged in by the defendant and coconspirators was an unreasonable restraint of interstate commerce in violation of Section 1 of the Sherman Antitrust Act (15 U.S.C. § 1).

3. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and coconspirators, the substantial terms of which were to fix, raise, and maintain prices of packaged seafood.

4. For purposes of this Information, packaged seafood consists of shelf-stable tuna fish.

II.

DEFENDANT AND COCONSPIRATORS

5. During the time period covered by this Information, the defendant was a corporation organized and existing under the laws of Delaware and had its principal place of business in San Diego, California.

6. During the time period covered by this Information, the defendant was a producer of packaged seafood and was engaged in the sale of packaged seafood in the United States and elsewhere.

7. Various business organizations and individuals, not made defendants in this Information, participated as coconspirators in the offense charged in this Information and performed acts and made statements in furtherance of it.

8. Whenever in this Information reference is made to any act, deed, or transaction of any business organization, the allegation means that the business organization engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

III.

MEANS AND METHODS OF THE CONSPIRACY

9. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and its coconspirators did those things that they combined and conspired to do, including, among other things:

- 1 a. engaged in conversations and discussions and attended meetings with
2 representatives of other major packaged-seafood-producing firms;
3 b. agreed and reached mutual understandings during these conversations,
4 discussions, and meetings, to fix, raise, and maintain the prices of packaged seafood sold in the
5 United States; and
6 c. negotiated prices with customers and issued price announcements for
7 packaged seafood in accordance with the agreements and mutual understandings reached.

8 IV.

9 TRADE AND COMMERCE

10 10. During the time period covered by this Information, packaged seafood sold by
11 the defendant and one or more of the coconspirator firms, and equipment and supplies
12 necessary to the production and distribution of packaged seafood, as well as payments for
13 packaged seafood, traveled in interstate commerce.

14 11. During the time period covered by this Information, the business activities of
15 defendant and its coconspirators in connection with the sale of packaged seafood were within
16 the flow of, and substantially affected, interstate commerce.

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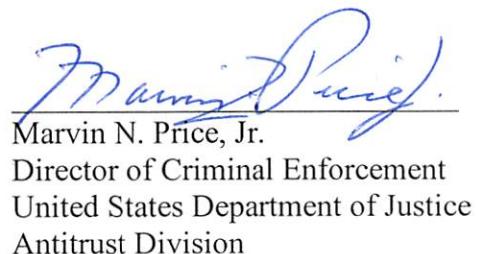
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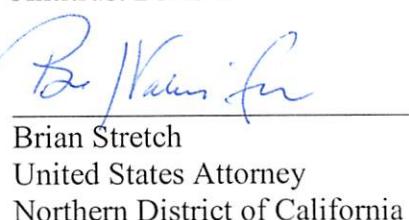
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1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.
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5 Andrew C. Finch
6 Acting Assistant Attorney General
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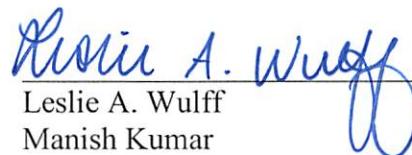
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10 Brent Snyder
11 Deputy Assistant Attorney General
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15 Marvin N. Price, Jr.
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17 United States Department of Justice
18 Antitrust Division
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24 Northern District of California
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